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APPLICATION NO. FILING DATE		LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/510,013	10/510,013 05/17/2005		Kyoung-Ju Shin	AB-1383 US 4501			
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		VOK CHEN & I	DUONG	DUONG, TAI V			
1762 TECHNOLOGY DRIVE, SUITE 226 SAN JOSE, CA 95110			220	ART UNIT	PAPER NUMBER		
•				2871			

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application	n No.	Applicant(s)				
Tai Duong 2971 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **PROMOTION For the main address of the control of the production of the produc			10/510,01	3	SHIN ET AL.				
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Application/Control Number: 10/510,013

Art Unit: 2871

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16 and 18 of copending Application No. 10/793, 860. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the instant claim and the claims of the copending application is the second substrate with the common electrode. Thus, it would have been obvious to a person of ordinary skill in the art to add a second substrate with a common electrode to the instant claim for obtaining a final product which is a liquid crystal display.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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Art Unit: 2871

Claims 1 and 2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,995,394. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between claim 1 of the patent and the instant claim is the second thin film transistor. Thus, it would have been obvious to a person of ordinary skill in the art to omit the second thin film transistor from the claim of the patent for reducing the fabrication cost. In addition, it has been held that omission of an element and its function is obvious if the function of the element is not desired. *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not disclose a method of manufacturing a thin film transistor array panel comprising the step of patterning the metal layer, the contact layer, and the metal layer to form a data wire, a direction control electrode, and a channel portion of a thin film transistor, as recited in claim 16.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Art Unit: 2871

Claim 16 is not consistent with the specification and the drawings. It is unclear to which embodiment or drawing claim 16 is directed because it recites the step of

patterning the metal layer, the contact layer, and the metal layer to form a data wire, a

direction control electrode, and a channel portion of a thin film transistor.

Claims 3-15 are allowed. Claims 3, 9 and 13 are allowed over the prior art

because none of the prior art discloses or suggests a TFT array panel, a LCD having

the particular structures of the storage electrode wire, the data wire, the direction control

electrode, the passivation layer, and the pixel electrode, as recited in the claims.

Claim 16 is not indicated as allowed over the prior art because the intended

scope of the claim is not clear for the above-mentioned reasons.

Any inquiry concerning this communication should be directed to Tai Duong at

telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

PRIMARY EXAMINER

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